

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAIDA DAVISH,
Plaintiff,

Case No. 05-72907

v.

HON. VICTORIA A. ROBERTS
MAGISTRATE JUDGE STEVEN PEPE

COMAU PICO, INC.,
COMAU S.P.A AND FIAT S.P.A,
Defendants.

ORDER REGARDING CROSS MOTIONS TO COMPEL(## 20, 22)

The parties each filed a motion to compel discovery and a telephonic hearing was held on May 16, 2006, with respect to the unresolved issues raised in the motions.

For reasons stated on the record IT IS HEREBY ORDERED that on or before May 31, 2006, the parties shall comply with the following:

Defendant's Motion to Compel

Defendant's Second Requests for Production of Documents ## 1- 4: Plaintiff shall indicate in a declaration signed under the penalties of perjury pursuant to 28 U.S.C. § 1746 and subject to a protective order, the combined net worth of her and her husband using the following designations:

less than \$500,000	\$2-3 million
\$500,000 to\$1 million	\$3-4 million
\$1-1.5 million	\$4-5 million
\$1.5-2 million	greater than \$ 5 million

Defendant's Second Interrogatories to Plaintiff

Interrogatory No. 1 – This interrogatory was not discussed at the hearing. The parties agreed, post-hearing, that the issue could be decided on their briefs and the Statement of Unresolved Issues. In this interrogatory Defendant seeks detailed information regarding any person Plaintiff alleges may have been discriminated against by Defendant. Plaintiff responded with objections that the request required a legal conclusion, was duplicative of a previous request that Plaintiff identify her witnesses and was premature given that discovery had not been completed.

Because there may be some persons that are alleged to have been discriminated against by Defendant that, for whatever reason, will not be identified or called as witnesses by Plaintiff but whose leave terms will be included in any statistical analysis Plaintiff uses for the purposes of proving discrimination, Plaintiff shall provide the information requested based on her current knowledge. Plaintiff will supplement the answer to this request if more information becomes available to her through the discovery process.

Interrogatory No. 2 – Plaintiff shall supplement her answer to this interrogatory to specify all those jobs of which she was aware on or before the date she left Defendant's employment which she believed she should have been offered.

Plaintiff's Motion to Compel

Plaintiff's Third Interrogatories to Defendant

Interrogatory #4: Defendant shall supplement its answer to this question by providing the requested information for jobs filled from April 2005 through April 2006 and further by providing the gender and/or qualifications of any applicants identified by Plaintiff.

Plaintiff's Second Request for Production of Documents

Request No. 3: Plaintiff's motion for supplementation of Defendant's answer to this request is denied based upon Defendant's representation that it does not intend to present as a defense in this matter any evidence concerning Plaintiff's sharing of documents with Peggy Pineau.

Request No. 4: Defendant's counsel shall verify with Defendant's human resources department, and confirm in a letter to Plaintiff's counsel, that Defendant has no policies pertaining to discrimination other than those stated in Defendant's employee handbook and other materials already produced to Plaintiff.

Request No. 6: Defendant shall produce any and all documentary evidence from September 2003 through August 2004 which supports or describes Defendant's need to increase the travel requirements for Plaintiff's former position due to its need to access "low-cost suppliers world-wide".

Plaintiff's Fourth Request for Production of Documents

Requests Nos. 1-7 – The parties have informed the undersigned that they expect to come to an agreement on the drafting of a protective order which would facilitate the production of the requested documents. If the parties are unable to come to an agreement on the proposed protective order they may each submit their proposed drafts for consideration, along with a narrative description of the differences, and the undersigned will issue a protective order so that the documents can be produced.

Plaintiff's Fourth Interrogatories to Defendant

Interrogatory No. 1 – Defendant's counsel shall meet and confer with Defendant and determine what and how records are kept pertaining to its employees' termination and Family

Medical Leave Act leave requests. Counsel for the parties will then meet and confer regarding this information to determine what portion of this data Plaintiff wants and how the costs of obtaining the information should be shared.

SO ORDERED.

May 25, 2006
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that copies of this Order were served upon the attorneys of record by electronic means on May 25, 2006.

s/William J. Barkholz
Courtroom Deputy Clerk